

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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VICTOR ROBINSON

Plaintiff,

v.

Case No. 20-cv-203-bbc

SANDRA MCARDLE et al.,

Defendant's

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NOTICE OF APPEAL AND PETITION FOR CERTIFICATE OF APPEALABILITY

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Comes Now Victor Robinson, the above - named plaintiff - appellant, appearing in this matter Pro Se, without counsel, pursuant to Fed. R. App. P. Rule 3 (a), and as and for a notice of appeal to the UNITED STATES DISTRICT COURT for the Western District of Wisconsin from the order Entered on the 2 day of november, 2020, that GRANTED defendant's motion for dismiss under Fed. R. Civ. P. 12(b)(6), dkt. #21, and dkt. #34, under Rule 12 (c). (McArdle answered plaintiff's complaint, but Waterman has not.) The Order also denied plaintiff's for counsel, assistance in recruiting counsel to represent him Entered on 2 day of November, 2020, dkt. #31. In addition, plaintiff responded to the defendant's motions to stay discovery and case deadlines pending a decision on their motions regarding preclusion, dkt. ##42-43. Notice of Electronic Filing: The following transaction was entered on 11/2/2020 at 8:45 AM CST and filed on 11/2/2020 Document Number: 44 Docket Text: Brief in Opposition by plaintiff re: [43] Motion to stay filed by Sandra McArdle, [42] motion to stay filed by Jolinda Waterman (attachment: #(1) Certificate of Service) (aom, (Ps). Plaintiff motion [43] was never resolved before the court final opinion and Order Entered on 2 day of November 2020 Document #:45.

On July 18, 2018 plaintiff Victor Robinson (plaintiff) filed and prosecuted a Section 1983 against state prison officials for violating his constitutional rights by providing him with the wrong medication that resulted in later injuries (ECF No. 1) and.

On January 21, 2019 plaintiff filed an Amended Complaint after identifying Doe Defendant's (ECF No. 11) and May 14, 2019, the court screened plaintiff Amended Complaint (ECF No. 28).

In its May 14, 2019 screening the district court denied plaintiff's request to include Dr. Mcardle as a defendant case 18-cv-1117, and his Summary Judgment pleadings (ECF No. 23), until the two added defendant's, Growchowski; and Stowell, has had an opportunity to answer the claims against them (ECF No. 28).

On May 21, 2019, defendant's filed a motion for Summary Judgment seeking dismissal of the entire case and at one point, defendant's made reference to Anderson, the defendant added by the district court (ECF No. 31).

On January 17, 2020, the district court granted defendant's motion for summary judgment (ECF No. 47) finding that the plaintiff motion, that the plaintiff failure to respond to defendant's motion for summary judgment was sufficient grounds to grant the defendants pleadings standing alone & Second, without a response from plaintiff, the court deemed defendant's proposed facts undisputed. The court concluded that those facts and legal arguments in defendant's brief entitled defendant's to summary judgment.

On February 10, 2020, plaintiff filed Fed. R. Civ. P. 59(e) motion where plaintiff included his response to defendant's pleadings for summary judgment (ECF No. 49).

On February 12, 2020, the district court denied plaintiff's Fed. R. Civ. P. 59(e) pleadings and failed to address the belated summary judgment response.

Plaintiff filed a notice of appeal requesting a certificate of appealability, excuted on this 1st day of March, 2020. Case No. 18-cv-1117.

1.) on April 27, 2020, the district court Section a Law Suit Complete filed by the plaintiff and due to its ambiguity, instructed plaintiff to file an Amended Complaint to clear up that ambiguity.

2.) The district court gave plaintiff until May 18, 2020, to Complete the filing; however plaintiff was assigned at Waupun Correctional Institution (WCI) where the prison is on a complete lockdown due to covid-19 which disallow plaintiff access to the prison's law library and legal materials, and the same conditions are here at this Green Bay Correctional Institution (GBCI).

Submitted by Plaintiff:

VICTOR ROBINSON

Plaintiff, Pro Se

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